

REMARKS

Claims 24-52 were previously pending. Claims 33, 34, 43-47 and 50 are withdrawn from consideration in response to a restriction/election.

By this Amendment and Response, claims 24 and 28 have been amended to clarify that the claimed scaffold is positioned at and extends distally beyond the distal end of the delivery wire. Additionally, new claims 51 and 52 have been added. Support for the claim amendments and additions is found throughout the specification and drawings. Accordingly, no new matter has been added. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Rejections under 35 U.S.C. §102(b)

Claims 24-32, 33, 35-42, 48-49, and 51-52 are rejected under 35 U.S.C. §102(b) as being anticipated by Fearnout (US 5,100,423). Applicant disagrees.

First, the claim explicitly requires that the expandable and contracted scaffold affixed to the distal end of the delivery wire and extending distally beyond the distal end of a delivery wire. However, the Office Action cites to Fig. 8 of Fearnout for a delivery wire 102 and an expandable and contracted scaffold 202. Applicant notes that 202 in Fearnout is a net not a scaffold that extends distally beyond any guide wire. In addition, the net 102 of Fearnout clearly does not disclose a scaffold that: comprises an array of wires helically spaced from each other (claim 31); or is detachable from the delivery wire (claim 41).

Apart from the above, Fearnout teaches an ablation catheter that is configured to be a cutting device that applies heat to its wires for the removal of obstructing matter from a vessel wall. (Fearnout col. 2, lines 38-56). Fearnout clearly teaches that this ablation catheter has a wire basket 150 located at the end of a shaft 110. (Fearnout col. 3, lines 9-47). The ablation catheter has a central passageway 107 and 111 allowing for advancement of the ablation catheter over a separate wire guide 102. (Fearnout col. 3, lines 9-47). Clearly, Fearnout teaches an ablation device having a wire basket 150 affixed to a shaft and slidable over a guide wire 102. (Fearnout col. 3, lines 9-47).

For these reasons alone, Fearnout fails to teach or suggest the requirements of claims 24, 31, 41, or 48 (as well as any claim ultimately dependent therefrom).

Moreover, the ablation device of Fearnout, being trackable over a guide wire, does not teach a tracking tip coupled to a distal end of a scaffold (claim 40). Accordingly, Fearnout cannot anticipate claim 40.

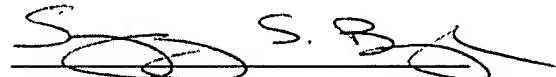
In view of the above, applicant requests allowance of the above claims, or a further discussion of where such claim requirements are found in Fearnout.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to Deposit Account No. 50-3973 referencing Attorney Docket No. NGMDNZ00100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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